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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,408	10/28/2003	Venkat Rangan	112-0122US	5639
29855 7590 12/20/2006 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			EXAMINER SUN, SCOTT C	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 12/20/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/695,408	Applicant(s) RANGAN ET AL.	
	Examiner Scott Sun	Art Unit 2182	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


KIM HUYNH
SUPERVISORY PATENT EXAMINER

12/15/06

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/1/2006 have been fully considered but they are not persuasive. Applicant's arguments are summarized as:
 - a. Regarding claim 19, prior art of record does not disclose the I/O module including the required processors.
 - b. Regarding claim 19, prior art of record, Testardi, does not disclose the storage devices can be connected through a switch and have the data migration processing still be operational.
 - c. Regarding claim 21, prior art of record does not teach any processors delaying the operations, but instead teaches that the fast path, which cannot be equated to the required processors, delaying the operations.
2. In response to argument 'a', examiner notes that the final action indicated the I/O module contains the various logic elements (302, 304, 306, 320, 322, 324; figure 3A), all of which are the required processors. Edsall teaches that these logic units receive, operate on, and transmit network traffic (paragraph 53). Edsall also teaches "a multi-port switch will have virtualization logic separately implemented on one or more of its ports... rather than having centralized processing for all ports of a switch" (paragraphs 40-41).

Examiner further notes that the final office action states that Edsall does not disclose explicitly a control module, which prior art of record, Testardi, subsequently

teaches. There is no indication in the final office action that Edsall does not teach the processors in the I/O module.

3. Regarding argument 'b', examiner notes that the claim language merely states that the storage units "may" be coupled to the storage processing device through a switch, or alternatively, "may" be directly coupled to the storage processing device. There is no requirement that both of these conditions have to be met, as the claim states them in the alternative. Furthermore, there is requirement that any of them have to be met, as the claim also states that the respective coupling "may", but are not required, to occur.

Even if assuming that applicant states that both conditions must be satisfied, examiner notes that prior art of record, Testardi, teaches that "some or all of the connections by which the hosts, data managements system and data storage system may be connected to the communication medium may pass through other communication devices, such as a Fibre Channel switch, or other switching equipment" (paragraph 56). This teaching is contrary to applicant's assertion that "there is no teaching or suggestion in Testardi that the storage units can be connected to the storage processing device through a switch".

4. Regarding argument 'c', examiner notes that the "fast-path" is merely a term which prior art of record, Testardi, uses to refer to the hardware/software that perform operations that are relatively fast. Testardi teaches that, "The FP is a streamlined implementation of hardware and/or software that may be used in connection with optimizing and performing a portion of I/O operations" (paragraph 73). This is contrary

to applicant's assertion that "in Testardi the fast path does nothing, not delay, not handle, nothing", and is not a processor.

5. Having responded to each of applicant's arguments, examiner notes that previous grounds of rejection are still valid. The request for reconsideration does not place the application in condition for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.